



MINUTES OF THE REGULAR MEETING
OF THE PLANNING COMMISSION
CITY COMMISSION CHAMBERS, CITY HALL
THURSDAY, FEBRUARY 20, 2014 4:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, February 20, 2014, in the Commission Chambers at City Hall. Chairman James Argento called the meeting to order at 4:30 p.m. The following Commission members were present:

James Argento
Clell Coleman
Charles Townsend
Ted Bowersox
Donald Lukich
Agnes Berry
Frazier J. Marshall

City staff that was present included Bill Wiley, Community Development Director, Dan Miller, Senior Planner, and Dianne Pacewicz, Administrative Assistant II. City Attorney Fred Morrison was also present.

The meeting opened with an invocation given by Commissioner Frazier J. Marshall and the Pledge of Allegiance to the Flag.

Bill Wiley, Community Development Director, informed the audience of the rules of participation and the need to sign the speaker's registry. He also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Dianne Pacewicz swore in staff as well as anyone wishing to speak.

MINUTES OF PLANNING & ZONING COMMISSION MEETING FOR JANUARY 16, 2014.

Commissioner Donald Lukich moved to APPROVE the minutes from the JANUARY 16, 2014 meeting. Commissioner Agnes Berry SECONDED the motion, which was PASSED by a vote of 7 to 0.

Chairman Argento decided to move the first New Business case to the first item for discussion.

NEW BUSINESS

1. PUBLIC HEARING CASE # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 25 292 - SUPPLEMENTAL REGULATIONS BY ADDING SUBSECTION 25-292 (23) OUTDOOR DISPLAY AND STORAGE TO PROVIDE REQUIREMENTS FOR MERCHANDISE; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (CITY COMMISSION DATES - 1ST READING ON MARCH 10TH, 2014 AND A 2ND

READING ON MARCH 24TH, 2014)

Bill Wiley entered the exhibits into record.

There were no substantive comments received from the departments.

The Planning & Zoning staff recommended the approval of the request for the following reasons:

Summary:

The City Commission has indicated in the past that it would like the City to have the ability to enhance unsightly and disorganized outdoor display of items for sale to improve the visual impact of development and redevelopment of the city's commercial corridors. To that end, staff has developed this section to address these concerns.

Staff recommends the addition of Section 25-292(23) Supplemental District Regulations "*Outdoor Sales Display and Storage*", which defines and regulates both outdoor display and outdoor storage, and adds specific criteria for locating both of these activities. Outdoor display of products is permitted with restrictions on the size and location of such displays to an area within fifteen (15) feet of the building, with an allowance of 500 square feet of display area, between sunup and sundown daily. Outdoor storage of products will require screening with a fence. There are specific exemptions for certain types of businesses that normally require large amounts of outdoor storage, such as vehicle sales and rental, garden and farm equipment and sales under-roof canopy structures. Current operating businesses with approved site plans are also exempt. If approved, this ordinance will take effect on May 1, 2014.

Action Requested:

Vote to approve the referenced amendment to the Code of Ordinances Chapter 25 Land Development Code as proposed by staff and forward to the City Commission for consideration.

Bill Wiley explained following in the Ordinance.

ARTICLE IV. ZONING DISTRICT CODE

CHAPTER 25–292 Supplemental district requirements,

(23) Outdoor Sales Display and Storage

Definitions, of "Outdoor sales display and storage" shall read as follows:

"Outdoor storage" means the storing or maintaining, exterior to any permanent, fully enclosed building or structure of goods, merchandise, inventory, equipment or other tangibles for any purpose other than outdoor sales display as defined in this section. The term outdoor storage shall not include semitrailers, equipment and vehicles in industrial or the central business district areas.

"Outdoor sales display" means the displaying of goods, merchandise or products outdoors such that the items are readily available for sale at retail on the same lot and in conjunction with a permitted or conditional use which is otherwise operated entirely within a permanent fully enclosed building.

The following requirements apply to all Outdoor Display and Storage in all nonresidential zoning districts.

A. Outdoor Display. Outdoor Sales Display shall adhere to the following standards:

1. Outdoor Display of merchandise shall not occupy any required parking spaces, landscape area, pedestrian accessibility or fire lane. Items located on a porch of a building are considered to be outside if the porch is not enclosed.
2. Outdoor Display shall not extend into public sidewalk or right-of-way or onto adjacent property and must not extend more than 15 feet outside of the principal structure or within 15 feet of adjacent public streets.
3. The outdoor display area shall not exceed ten (10) percent of the square footage of the principal structure or 500 square feet whichever is less.

4. Outdoor Display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.
 5. Outdoor Sales Display merchandise shall not be placed, stored, or maintained outside, except during normal hours of operation of the business but not between sundown and sunup each day.
 6. Outdoor Display may not be located on the roof of any structure.
 7. All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located out of doors.
 8. The maximum height of merchandise shall not exceed four (4) feet with the exception of vehicles which may not exceed fourteen (14) feet in height.
 9. Outdoor Display is not required to be screened.
- B. Outdoor Storage. Outdoor storage on a temporary or permanent basis shall adhere to the following standards:
1. Outdoor storage areas are allowed for the purpose of storing goods for a nonresidential enterprise. All outdoor storage areas shall meet each required district building setback lines.
 2. The location of outdoor storage areas shall be limited to the side or rear of the primary structure to which the facility belongs and a minimum 4' from the principal building. Items located on a porch of a building are considered to be outside if the porch is not enclosed. At no point should materials be located in front of any portion of the principle building.
 3. A six (6) foot solid fence or wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site or when located along U.S. 27, SR 441, SR44 and East/West Main Street and visual from the from said corridors. This requirement is in addition to the requirements of Section 25-323-Landscape through Section 25-328 except where there is conflict this provision controls.
 4. Outdoor storage shall be prohibited on the roofs of structures.
 5. The outdoor storage area shall not encroach upon the required off-street parking, pedestrian access, fire lanes and maneuvering areas of the site.
 6. The outdoor storage area is limited to a maximum 5% of the square footage of the principal structure or tenant space, whichever is less, within office, retail and commercial zoning districts.
- C. Site specific requirements. Outdoor Sales and Storage can be adjusted through a Conditional Use Permit granted by the Planning Commission that is in keeping with the intent of these provisions and will not adversely affect neighboring property.
- D. Exemptions. The following uses are exempt from the requirements set forth in this Section.
1. Areas designated for the outdoor sale, display or storage of monument head stones, plant material including live plants, fruits and vegetables and related plant materials. This exemption includes rock, mulch, pavers, building and landscape materials including bird baths, fountains etc., and lumberyards or new building materials.
 2. Sale, display, or storage areas for automobile and trucks, boat and similar passenger and recreational vehicles, garden and farm equipment, or truck/trailer rentals which have met applicable requirements as set forth in these regulations and all other applicable laws, rules, and regulations.
 3. Retail operations that occur under a permitted permanent roofed canopy structure attached to the principal structure on the lot or per their approved site plan.
 4. Uses that are in the Industrial or Central Business District zoning districts.
- E. Compliance with the conditions of this section will become effective on May 1, 2014.

Commissioner Lukich asked, for example, what if a dress shop wants to put out a sales rack of clothes, will this ordinance allow that. Mr. Wiley stated that it would as long as they complied with the code. It would not

affect stores such as Wal-Mart, and it would not affect the stores that are downtown that put their merchandise out on the sidewalks. Commissioner Townsend stated that an eyesore is an eyesore.

Commissioner Lukich asked about the outdoor storage for a business such as Tractor Supply. Mr. Wiley answered that this would fall under the exemptions.

Attorney Morrison stated the periodically, a City Commissioner says why can't you clean up this or that, and this ordinance will provide a vehicle for doing so.

Commissioner Lukich asked if this ordinance would affect smaller business owners and restrict them from marketing their products. Mr. Wiley answered that the larger businesses won't have much of an issue, the smaller businesses that don't really have the space will be affected. Attorney Morrison mentioned a building that the City Commission made note of periodically on Lone Oak and Main. They have put out "funeral tents" and have basically outgrown their building. And rather than finding a new building to accommodate their business, they are sticking it outdoors.

Mr. Wiley mentioned washers and dryers and stoves, and how those are typically sold inside a retail establishment. Mr. Wiley said that the ordinance will not stop businesses from putting merchandise outside, but it will make it better. Commissioner Lukich stated that he does not have a problem with the ordinance for the outdoor storage, but he does have a problem with the outdoor display because he thinks it will affect the smaller businesses.

Commissioner Townsend said that anything would be able to come before the Board. He stated that they would have to be right on the sidewalk to not be able to do that. Commissioner Bowersox stated that some businesses are getting into a flea market, and asked if we want flea markets popping up all over Leesburg.

Commission Marshall asked for clarification on the ordinance. He asked if someone opened up a small clothing store, as long as they are within 15 feet they would be able to put something out for display. Mr. Wiley answered that as long as the 15 feet isn't within 15 feet of the road. Mr. Wiley reiterated that the CBD would be exempt because they only have a small area that they can put their products. They can't put it on the sidewalk, so it's limited downtown.

Attorney Morrison stated that one of the motivating factors behind this ordinance is an ongoing discussion with the City Commission about extending the downtown streetscape out to 14th Street. If you're going to spend money to spruce up the street and the first thing you see when you enter the downtown is a bunch of furniture piled up outside a store, what have you accomplished by spending the money.

Commission Marshall asked if there wasn't code enforcement to address that. Attorney Morrison answered not currently, because the code doesn't address that. Mr. Wiley stated that this code is not to stop people from doing this, it was written for the people that abuse it.

This was the end of the discussion and the voting then took place.

Commissioner Charles Townsend made a motion to SPLIT case # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE INTO TWO ISSUES. Commissioner Donald Lukich SECONDED the motion which, PASSED by a unanimous voice vote of 7 to 0.

Commissioner Donald Lukich made a motion to DENY case # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE, OUTDOOR DISPLAY PORTION OF THE ORDINANCE. Commissioner Frazier J. Marshall SECONDED the motion. A roll call vote was requested by Commissioner Donald Lukich.

The roll call vote was:

Commissioner Lukich	Yes
Commissioner Marshall	Yes
Commissioner Berry	No
Commissioner Coleman	Yes
Commissioner Bowersox	No
Commissioner Townsend	No

The motion to DENY case # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE, OUTDOOR DISPLAY PORTION OF THE ORDINANCE was NOT PASSED by a roll call vote of 4 to 3.

Commissioner Ted Bowersox made a motion to APPROVE case # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE, OUTDOOR DISPLAY PORTION OF THE ORDINANCE. Commissioner Charles Townsend SECONDED the motion which, PASSED by a voice vote of 4-3.

Mr. Wiley said that he will indicate in the recommendations to the City Commission that the ‘nay’ votes were based on the effect they would have on small businesses.

Commissioner Donald Lukich made a motion to APPROVE case # AMDT-13-141 – AMENDING CHAPTER 25 – LAND DEVELOPMENT CODE, OUTDOOR STORAGE PORTION OF THE ORDINANCE. Commissioner Ted Bowersox SECONDED the motion which, PASSED by a voice vote of 7-0.

DISCUSSION ITEM

There were no discussion items.

ANNOUNCEMENTS

The next scheduled meeting date is March 20, 2014.

The meeting adjourned at 5:58 p.m.

James Argento, Chairperson

Clell Coleman, Vice Chairperson

Dianne Pacewicz, Administrative Assistant II